

5.       **2006SP-093G-06**  
          Olde Mill  
          Map 140-00, Parcel 009  
          Map 141-00, Parcel 001  
          Subarea 6 (2003)  
          Council District 22 - Eric Crafton  
          Council District 35 – Charlie Tygard

A request to change from AR2a to SP zoning, property located at 8811 Newsom Station Road and Newsom Station Road (unnumbered), approximately 1700 feet northwest of Coley Davis Road (141.4 acres), to permit 16 two-family units, 35 townhome units, and 197 single-family homes, for a total of 248 units, requested by Dan Barge III, applicant, for Old Mill Partnership and John S. Cowden, owners.

**STAFF RECOMMENDATION: Approve with conditions**

**APPLICANT REQUEST** - A request to change approximately 141 acres from Agricultural/Residential (AR2a) to Specific Plan (SP) zoning, property located 8811 Newsom Station Road, and Newsom Station Road (unnumbered), to permit 16 two-family units, 35 town-home units, and 197 single-family lots.

**Existing Zoning**

AR2a District - Agricultural/Residential requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. The AR2a district is intended to implement the natural conservation or interim nonurban land use policies of the general plan.

**Proposed Zoning**

SP District - Specific Plan is a zoning district category that provides for additional flexibility of design, including the relationship of buildings to streets, to provide the ability to implement the specific details of the General Plan.

- The SP District is a new base zoning district, not an overlay. It will be labeled on zoning maps as “SP.”
- The SP District is not subject to the traditional zoning districts’ development standards. Instead, urban design elements are determined **for the specific development** and are written into the zone change ordinance, which becomes law.
- Use of SP **does not** relieve the applicant of responsibility for the regulations/guidelines in historic or redevelopment districts. The more stringent regulations or guidelines control.
- Use of SP **does not** relieve the applicant of responsibility for subdivision regulation and/or stormwater regulations.

**BELLEVUE COMMUNITY PLAN**

**Structure Plan Category**

*Existing*

Natural Conservation (NCO)-NCO policy is intended for undeveloped areas with the presence of steep terrain, unstable soils, and floodway/floodplain. Low intensity community facility development and very low density residential development (not exceeding one dwelling unit per two acres) may be appropriate land uses.

*Proposed*

Residential Low Medium (RLM) - RLM policy is intended to accommodate residential development within a density range of two to four dwelling units per acre. The predominant development type is single-family homes, although some townhomes and other forms of attached housing may be appropriate.

**Consistent with Policy?** Yes the proposed plan is consistent with the proposed Residential Low Medium

(RLM) policy (see Staff Report for 2006CP-12-06). If the policy change is not approved and it remains as Natural Conservation policy, then the plan will not be consistent with the policy. The Specific Plan calls for an overall density of approximately 1.75 units per acre, which is actually slightly lower than the RLM's density range (2-4 DU's per acre). While the density is more consistent with Residential Low (RL) policy's one to two dwelling units per acre, the proposed Specific Plan calls for a mixture of single-family, two-family, and condominium dwellings, which is consistent with the RLM policy and not consistent with the RL policy because RL is intended primarily for single-family residences.

## **PLAN DETAILS**

**Site Plan** - The site plan calls for a mixture of housing types with a total of 248 units. Housing types will consist of 16 two-family units (8 lots), 35 townhomes (35 lots), and 197 single-family lots. The single-family lots are broken into four different lot sizes: 86 lots are 31 feet wide, 67 lots are 41 feet wide, 11 lots are 51 feet wide, and 33 lots are 65 feet wide. Also included in the plan is a community pool.

**Phasing** - As proposed the project will be developed in three separate phases starting in 2007 and ending in 2009.

**Height / Setbacks Requirements** - As proposed height and setback standards will be as follows:

### Height

- Max 3 stories for primary structures.
- Max 1 story or 16 feet for accessory structures (whichever is greater).

### Setbacks

- Minimum 15 foot front setback (porches allowed).
- Minimum 3 foot and maximum 7 foot side yard setbacks.
- Minimum 20 foot rear yard setback.

**Access** - Previous requests to develop this property have been disapproved due to numerous issues including the lack of adequate access. Previous development plans proposed access from the extension of Newsom Station Road from the north. A single access point from the north, as previously proposed is not appropriate because north of the bridge the Harpeth River historically has flooded the roadway, making the road impassible. Newsom Station Road does continue on to the west south of the bridge, but crosses the CSX rail road through a narrow, one lane under pass. Due to the low height and narrow width of the under pass emergency vehicles would have no direct access to the site if the Harpeth River flooded.

This plan proposes two access points. One access point is the same previously proposed access to Newsom Station Road from the north. The second proposed access point includes a bridge over the CSX railroad, providing a connection to the western side of Newsom Station Road. The plan also calls for the section of Newsom Station Road from the CSX under pass to where the new bridge connection connects back to Newsom Station Road to be abandoned. Newsom Station Road would then be rerouted over the proposed bridge, and back along the extension on the east side of the CSX rail road. Prior to this section of the Newsom Station Road being closed, the new section must be accepted by Metro Public Works. CSX must approve the cross over and any proposed improvements within CSX right-of-way prior to approval of the final development plan.

As proposed, the section of Newsom Station Road that will extend from the bridge south to the development will cross Newsom Mill's State Park. Prior to approval of the final SP site plan, the State must approve the use of the park property and all proposed improvements.

As proposed, lots will be accessed by new public streets and alleys. The 33 single family lots that are 65 feet wide will be front loaded and the remainder of the lots will be rear loaded from alleys.

**Environmental/Open Space/Conservation Easement** -This property is adjacent to the Harpeth River and approximately 88 acres (62%) of the property is encumbered by floodplain. As proposed approximately 16 acres (19%) of land encumbered with floodplain will be disturbed. While a small amount of floodplain will be disturbed with the development, approximately 93 acres (66%) of the property will be conserved in open

space. Out of the 93 acres being conserved in open space approximately 56 acres (60%) is being conserved within a conservation easement. Disturbance within the 56 acres designated within the conservation easement will be limited to the construction of a multi-use path for the Harpeth River Greenway. While a majority of the land is not within the 100 year floodplain the entire site is prone to flooding.

*Greenway* - An identified greenway and pedestrian path is located across the property adjacent to the Harpeth River. The plan shows the trail located within the floodway. Prior to approval of the final SP site plan Metro Greenways and Metro Stormwater will have to approve the location of the greenway in the floodway buffer. A stormwater variance from the Stormwater Management Committee must be approved prior to the construction of the greenway in the floodway and floodway buffer.

*Parking* - Two parking spaces per lot are stipulated on the plan. Also, 26 parking spaces are identified near the proposed pool area.

*Sidewalks* - Sidewalks are proposed along both sides of all public streets.

*Building Elevations* - Building elevations have been submitted showing the proposed products for the various type lots. Staff does not have any concerns with the proposed product types.

**Staff Recommendation** - As proposed, the preliminary SP adequately balances development with conservation of environmentally sensitive land on this property. The proposed plan also adequately addresses access concerns. If CSX does not approve the proposed plan to bridge CSX right-of-way, then another access point will need to be provided, prior to approval of the final SP site plan. Without adequate access, the final SP site plan should not be approved.

Staff recommends that the Specific Plan be approved with conditions.

**PUBLIC WORKS RECOMMENDATION** - Approve with the following conditions:

1. The developer's construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
2. Evaluate Newsom Station Road realigned. Proposed realignment does not appear to meet AASHTO geometric design standards.
3. Construct roundabout per AASHTO/FHWA design standards.
4. Identify proposed road names.
5. Unnamed roadway between Newsom Station Road realignment and round-a-bout per ST-252. Southern unnamed roadway from round-about per ST-252. Unnamed roadway between lots 147 & 155 and 195 & 224 per ST-252.

Per the recommendations of the traffic impact study:

1. Realign Newsom Station Road to provide a grade separated crossing over the railroad track to create a four legged intersection with the proposed project road and alley.
2. At this new intersection, the eastbound approach of Newsom Station Road shall be designed to include a shared through & right turn lane and a dedicated left turn lane with a minimum of 75 feet of storage and transitions per AASHTO/MUTCD standards.
3. At the new intersection, the southbound approach of Newsom Station Road shall be designed to include a shared through & left turn lane and a dedicated right turn lane with a minimum of 75 feet of storage and transitions per AASHTO/MUTCD standards.
4. At this new intersection, the westbound approach of the new project road shall be designed to include a shared through, right, and left turn lane.
5. Stop control shall be installed on the southbound approach of Newsom Station Road and the northbound approach of the alley.

**Typical Uses in Existing Zoning District: AR2a**

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
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Single-family detached(210)	141.4	0.5	71	759	60	79
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**Typical Uses in Proposed Zoning District: SP**

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached(210)	141.4	N/A	197	1,941	148	198

**Typical Uses in Proposed Zoning District: SP**

Land Use (ITE Code)	Acres	Density	Total Number of units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Res. Condo/Townhome (230)	141.4	n/a	35	263	23	26

**Typical Uses in Proposed Zoning District: SP**

Land Use (ITE Code)	Acres	Density	Total Number of units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Attached (Duplex)(220)	141.4	n/a	16	247	12	27

**Change in Traffic Between Typical Uses in Existing and Proposed Zoning District**

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				1,692	123	172

**STORMWATER RECOMMENDATION** - Approve with the following conditions:

1. Undisturbed Buffers. Leave undisturbed, re-delineate, or provide a variance for buffer disturbances (prior to final SP site plan approval). If the stream is determined to be a wet weather conveyance, then no buffers will be required.
2. A LOMR-F shall be submitted prior to the issuance of any building permit with the condition that the min FFE = 4' + BFE.
3. The applicant shall review the existing flood study, and if that model appears incorrect, then the applicant shall provide a CLOMR prior to approval of the construction drawings and a LOMR prior to the issuance of any building permits.

**FIRE MARSHAL** - The Fire Marshals' office must approve the final SP site plan.

**METRO SCHOOL BOARD REPORT**

**Projected student generation**      28 Elementary    20 Middle      19 High

**Schools Over/Under Capacity** - Students would attend Gower Elementary School, Hill Middle School, and Hillwood High School. All three schools have been identified as having additional capacity by the Metro School Board.

**CONDITIONS**

1. To ensure connectivity, prior to any section of Newsom Station Road being closed, the new section must be accepted by Metro Public Works.

2. Prior to approval of the final SP site plan, CSX must approve the cross over, and any proposed improvements within CSX right-of-way. If the cross over is not granted by CSX then another acceptable access point shall be obtained. If a second access point is not obtained then the final SP site plan shall not be approved. Any new access point must be approved by Metro Public Works and by the Planning Commission. Any new access point that accesses any street other than Newsom Station Road shall require Council approval.
3. Prior to final approval of the final SP site plan, the State must approve the use of their property and all proposed improvements.
4. Prior to approval of the final SP site plan Metro Greenways and Metro Stormwater will have to approve the location of the greenway in the floodway buffer. A stormwater variance from the Stormwater Management Committee must be approved prior to the construction of the greenway in the floodway, and floodway buffer.
5. Prior to final approval of the site plan Metro Greenways and Metro Stormwater will have to approve the location of the greenway in the floodway buffer. A stormwater variance from the Stormwater Appeal Board must be approved prior to the construction of the greenway in the floodway, and floodway buffer.
6. The proposed front yard setbacks shall be further reviewed and at planning staff's direction may be altered on the final SP site plan.
7. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the RM2 zoning district effective at the date of the building permit. This zoning district must be shown on the plan.
8. The application, including attached materials, plans, and reports submitted by the applicant and all adopted conditions of approval shall constitute the plans and regulations as required for the Specific Plan rezoning until a Final Plan is filed per the requirement listed below. Except as otherwise noted herein, the application, supplemental information and conditions of approval shall be used by the planning department and department of codes administration to determine compliance, both in the review of final site plans and issuance of permits for construction and field inspection. Deviation from these plans will require review by the Planning Commission and approval by the Metropolitan Council.
9. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
10. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
11. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
12. Minor adjustments to the site plan may be approved by the planning commission or its designee based upon final architectural, engineering or site design and actual site conditions. All adjustments shall be consistent with the principles and further the objectives of the approved plan. Adjustments shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or intensity, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or

add vehicular access points not currently present or approved.

13. Within 120 days of Planning Commission approval of this preliminary SP plan, and in any event prior to any additional development applications for this property, including submission of a final SP site plan, the applicant shall provide the Planning Department with a final corrected copy of the preliminary SP plan for filing and recording with the Davidson County Register of Deeds. Failure to submit a final corrected copy of the preliminary SP plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.

**Resolution No. RS2007-113**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006CP-12-06 is **APPROVED. (7-0-1)**”

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**Resolution No. RS2007-114**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006SP-093G-06 is **APPROVED. (7-0-1)**

**The proposed SP district is consistent with the Bellevue Community Plan's Residential Low Medium which is intended to accommodate residential developments with a density between 2 and 4 dwelling units per acre.”**